

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

JANUARY 10, 2006

President Danny Cook called the meeting to order at 10:00 a.m. in Conference Room 160, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Danny Cook, President, Ralph Buckner, Jr., Vice President, Bob Foster, Stephen Murphy, Nancy Vincent and David Murphy. Absent was board member Wendy Hellum.

Staff members present were Robert Gribble, Executive Director, Wayne Pugh, Legal Counsel, Lauren Kitchell, Legal Counsel, Bill Luna, Jimmy Kesey and Roy Bozeman, Field Representatives, and Sandra Cooper and Jimmy Gossett, Administrative Assistants.

APPROVAL OF MINUTES:

A motion was made by Mr. Steve Murphy to approve the minutes of the December 13, 2005 Board meeting.

Seconded by Mr. Foster

Adopted by voice vote

WELCOME NEW BOARD MEMBER:

Executive Director Robert B. Gribble introduced Mr. David W. Murphy as the newest member of the Board. Mr. Murphy was appointed by Governor Phil Bredesen to a term effective January 1, 2006 through December 31, 2009, representing West Tennessee.

APPROVAL OF FUNERAL DIRECTOR AND/OR EMBALMER LICENSES:

Upon motion, based upon the application records, the following applicants were approved for licensure.

Anthony Jackson
Morristown, TN

Funeral Director

Donna G. Kilgore
Whitwell, TN

Funeral Director

Henry Cecil Smith
Lawrenceburg, TN

Funeral Director/Embalmer
Reciprocity

APPROVAL OF ESTABLISHMENT LICENSES: Upon motion, based upon the application records, the following applicants were approved for licensure.

**Weaver Funeral Home and
Cremation Services
Bristol, TN**

**Name Change
Ownership: Corporation**

**Gilmore Chapel of
Manchester Funeral Home
Manchester, TN**

**Change of Ownership/Name Change
New Ownership: LLC**

**Jackson-Oliver Mortuary Services, LLC
Oliver Springs, TN**

**Change of Ownership/Name Change
New Ownership: LLC**

**Bells Funeral Home
Bells, TN**

**Change of Ownership
Ownership: LLC**

**Brownsville Funeral Home
Brownsville, TN**

**Change of Ownership
Ownership: LLC**

**Auston-Victory Funeral Home
Memphis, TN**

**New Establishment
Ownership: Partnership**

**LEGAL REPORT:
WAYNE PUGH, STAFF ATTORNEY
LAUREN KITCHELL, STAFF ATTORNEY**

1. Case No.: L05-FUN-RBS-2005041331

Complaint is the result of an inspector's notice of several FTC violations which alleges: multiple deficiencies on the GPL.

FH response indicated corrective action immediately after receiving citation.

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

2. Case No.: L05-FUN-RBS-2005040371

The complainant alleges that the Respondent FH will not issue her deeds to two cemetery lots which belonged to her mother. Complainant alleges that she inherited one lot in the will of her mother. She alleges that she bought the other lot from her niece and nephew who inherited the lot from their grandmother.

FH responds that the complainant has not given them enough information to release the deeds to her. FH claims that there are other interested parties to the action who need to sign an affidavit releasing their claim to the cemetery lots.

Recommendation: Dismiss

A motion was made by Mr. Steve Murphy to accept counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

3. Case No.: L05-FUN-RBS-2005041581

Complaint is the result of an inspector's notice of several FTC violations which alleges: eleven violations, including; deficiencies on the GPL, CPL, and OBCPL. Inspector also noted that the preparation room was extremely unsanitary.

Recommendation: Consent Order assessing \$1000 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

4. Case No.: L05-FUN-RBS-2004214471

On 2/2/05 the Board authorized a consent order for \$1000 against Respondent FH for a complaint filed by an insurance adjuster who thought that the FH's expenses were excessive.

The FH is now out of business and there is no proof as to the claims of the adjuster.

Recommendation: Close w/ no action

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

5. Case No.: L05-FUN-RBS-2005042751

Complaint is the result of an inspector's notice of several FTC violations which alleges: six violations, including; deficiencies on the GPL, CPL, OBCPL, and the goods and services contract. Inspector also noted that there was no permanent ID tag on decedent in the FH.

FH responded that they have corrected all of the violations on the citation.

Recommendation: Consent Order assessing \$750 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Foster to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

6. Case No.: L05-FUN-RBS-2005042501

Complaint is the result of an inspector's notice of violations which alleges: the ventilation system in the embalming/preparation room was not working.

FH responded that inspector came to the FH the day after the citation was issued and the ventilation system had been fixed. It also states that they utilize a secondary fan and air exchange so it really was not a problem.

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

7. Case No.: L05-FUN-RBS-2005042411

Complaint is the result of an inspector's notice of several FTC violations which alleges: deficiencies on the GPL and CPL. Inspector also noted that there was no permanent ID tag on a decedent in the FH. Inspector also noted that FH was not registered as a pre-need seller.

FH responds that it does not sell pre-needs it only advises on them.

Recommendation: Consent Order assessing a \$750 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

8. Case No.: L05-FUN-RBS-2005042091

Anonymous complaint alleges that an advertisement for FH is in violation of the law because the persons listed on the ad are not licensed funeral directors in the state of TN.

FH manager responds that he has just been hired and that the ads were run by the president of the corporation not knowing that they were in violation of the law. FH apologizes and says that the ad is no longer in circulation.

Recommendation: Consent Order assessing \$250 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Steve Murphy to issue a Letter of Warning.

Seconded by Mr. Buckner

Adopted by voice vote

9. Case No.: L05-FUN-RBS-2005039331

Complaint is the result of an inspector's notice of several FTC violations which alleges: deficiencies on the GPL and CPL, including two caskets in the selection room were not listed on the CPL, and two caskets on the CPL were not in the selection room. Inspector also noted that the establishment had not registered for pre-need funeral sales.

FH responded that they used the two caskets on the CPL for burial services and had to replace them with other caskets which were not on the CPL. They apologize for their mistake.

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

10. Case No.: L05-FUN-RBS-2005041851

Complaint is the result of an inspector's notice of FTC violation which alleges: CPL low end range must agree with the GPL. Inspector also noted that there was no permanent ID tag on a body in the FH. Inspector noted that the FH manager placed a proper ID tag on the body when the violation was discovered.

FH response indicates prompt corrective action. Manager states that the body did have an ID tag on from the hospital but it did not have the ss # on it. This was corrected when the inspector was there.

Recommendation: Consent Order assessing \$250 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

11. Case No.: L05-FUN-RBS-2005041341

Complaint is the result of an inspector's notice of several FTC violations which alleges: nine violations, including deficiencies on the GPL, OBCPL, and goods and services statement must include reason for embalming, and on two goods and services forms the charge for the OBC was higher than the listed price of the container on the OBCPL. Inspector also noted that the sign in the front of the FH was not the correct name as shown on the establishment license and as shown on all of the paperwork.

FH response indicates that the FTC violations have been corrected. Response also indicates that the sign has been corrected.

Recommendation: Consent Order assessing \$750 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

12. Case No.: L05-FUN-RBS-2005040941

Complainant alleges that FH has false statements on its website.

FH response denies any wrongdoing.

Recommendation: Dismiss

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

13. Case No.: L05-FUN-RBS-2005041391

Complaint is the result of an inspector's notice of several FTC violations which alleges: based on a random sample of records, the goods and services statement was not in file; two different GPL's contained different prices.

FH response indicates corrective action.

Recommendation: Consent Order assessing \$250 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

14. Case No.: L05-FUN-RBS-2004197131

Complainant alleges that he was not given an itemized statement of goods and services after making arrangements for his mother's funeral. The funeral was paid for by a burial insurance policy. Complainant also alleges that a grave marker was not put on his mother's gravesite for over a year. The marker was paid for by installments over time by the deceased family. Complainant alleges they never received a receipt from FH when the marker was paid for in full. The marker has been installed and the family is pleased.

FH does not respond to the complainant's allegations that he did not receive a statement of goods and services. FH did respond that a marker had been ordered and would be placed on the gravesite.

Recommendation: Consent Order assessing \$1,000 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Foster to accept Counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

15. Case No.: L05-FUN-RBS-2005042431

Complaint is the result of an inspector's notice of several FTC violations which alleges: including deficiencies on the GPL, CPL, and OBCPL.

FH responds that all the price lists have been corrected.

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

16. Case No.: L05-FUN-RBS-2005041861

Complaint is the result of an inspector's notice of several FTC violations which alleges: deficiencies on the GPL, CPL, OBCPL, and statement of goods and services.

FH responds that all the price lists have been corrected.

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Foster

Adopted by voice vote

17. Case No.: L05-FUN-RBS-2005040781

Complainant alleges that FH is running false advertisement in the phone book listing because in the listing the FH uses a deceased person's name. Complainant states that this is false advertisement and it is illegal.

FH responds that this was a mistake. Soon after the man died, the ad was up for renewal and he inadvertently marked that the ad should be run as is.

Recommendation: Dismiss

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

18. Case No.: L05-FUN-RBS-2005041671

Complaint is the result of an inspector's notice of several FTC violations which alleges: there was a duplication of charges for transfer of remains to the FH which were already included in the charge listed for direct cremation. Inspector also noted that two cremation authorization forms were not in the file of two records during a random inspection of the FH's files.

FH response that it denies all of the violations, and that it was not in violation of the law.

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

19. Case No.: L05-FUN-RBS-2005042911

Complaint is the result of an inspector's notice of an FTC violation which alleges: the outer burial container price list must include a description of the container. Inspector also noted that the FH was not registered as a pre-need seller.

FH responded that they were unaware they were in violation of the rules for pre-need registration.

Recommendation: Consent Order assessing \$250 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

20. Case No.: L05-FUN-RBS-2005043361

Anonymous complaint alleges that FH is engaging in illegal advertising. Complainant sent in an ad run by the respondent stating that not all persons shown and listed in the ad were licensed FD's or embalmers as required by TCA §62-5-314.

FH responds that the ad has been discontinued immediately and that all future ads will comply with state law.

Recommendation: Consent Order assessing \$250 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

21. Case No.: L05-FUN-RBS-2005042771

Complaint is the result of an inspector's notice of several FTC violations which alleges: GPL, CPL, OBCPL, and goods and services list were not available for inspection. Inspector also noted that the current license of the FD was not available for inspection. He also noted that the FD stated that the lists were kept at another FH and were brought to this FH when he meets with families.

FH responds that all of the price lists, and licenses are now available for inspection at this location. FH sent in copies of the lists and faxed them to the inspector the day after the inspection.

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

22. Case No.: L05-FUN-RBS-2005034661

Complainant alleges that FH failed to pay the \$200 re-inspection fee in a timely manner. The date of the first inspection was July 19, 2004. The date of the re-inspection was December 7, 2004. The FH has failed to respond after two requests.

Recommendation: Consent Order assessing \$250 civil penalty, Respondent must also pay the \$200 re-inspection fee in 30 days, and authorization for a Formal Hearing.

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. Foster

Adopted by voice vote

23. Case No.: L05-FUN-RBS-2005034611

Complainant alleges that FD failed to pay the \$200 re-inspection fee in a timely manner. The date of the first inspection was July 19, 2004. The date of the re-inspection was December 7, 2004. The FD has failed to respond after two requests.

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

24. Case No.: L05-FUN-RBS-2005039391

Complaint is the result of an inspector's notice of several FTC violations which alleges: OBCPL low end range does not agree with the low end range on the GPL. Inspector also noted that the FH was not registered as a pre-need seller.

No response from FH after two requests. Certified mail was unclaimed by FH. Address has been verified.

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

25. Case No.: L05-FUN-RBS-2005041491

Complaint is the result of an inspector's notice of several FTC violations which alleges: CPL, and OBCPL must match range on GPL; caskets in selection room must match casket prices on CPL. Inspector also noted that the license of the FD, and embalmer were not available for inspection.

FH sent in a corrected GPL.

Recommendation: Consent Order assessing \$750 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Foster

Adopted by voice vote

26. Case No.: L05-FUN-RBS-2005043791

Complaint is the result of an inspector's notice of several FTC violations which alleges: on the GPL, under direct cremation, FH did not specify type; six caskets that were priced in the selection room were not on the CPL. Inspector also noted that the FD license was not available for inspection. The inspector also noted that a copy of the crematory license was not available, nor was a copy of the last inspection report.

FH sent in a prompt response stating that all of the violations have been corrected and documents have been faxed to inspector.

Recommendation: Consent Order assessing \$750 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Foster to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

27. Case No.: L05-FUN-RBS-2005042881

Complaint is the result of an inspector's notice of several FTC violations which alleges: CPL and OBCPL were not available for inspection and the range on GPL did not match what the caskets were priced in the selection room. Inspector also noted that the FH was not registered as a pre-need seller. He also noted that the FD stated that the lists are brought to the FH when he meets with families, and that he didn't know they had to be registered for pre-need sales.

After the second request, FH sent in pre-need registration and corrected price lists.

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

28. Case No.: L05-FUN-RBS-2005037011

Complainant alleges that respondent FD refuses to turn over money to the FH which performed complainant's father's funeral. In 2001, complainant's father entered into a burial contract with respondent for funeral services at the time of his death. In January of 2003, complainant contacted respondent when his father became ill to obtain information on the burial contract to see if money was still owed on it. Respondent told complainant that \$1,110.75 was still owed and complainant started paying on it. Complainant paid a total of \$300 until he was unable to pay. The total paid to respondent was \$350. When his father became ill in early 2005, complainant contacted another FH in his town b/c respondents FH was no longer open there. This FH contacted respondent to make sure they would be reimbursed. Respondent stated that the money was in a private trust and that all he needed was a death certificate to release the money to them. Complainant's father passed away July 10, 2005. The FH contacted respondent to obtain the money paid by respondent and deceased on the burial contract. As of September 28, 2005 and after numerous phone calls no money has been received from respondent.

After two requests, there was no response from the FH.

Recommendation: Consent Order assessing \$2000 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

29. Case No.: L05-FUN-RBS-2005034541

Anonymous fax was sent in of an obituary listing an unlicensed establishment as the FH in charge of the arrangements. Complainant called phone number listed and a licensed FD answered. His explanation was that another FH was actually in charge of the funeral arrangements. This same scenario has occurred previously.

After two requests, there was no response from the FH.

Recommendation: Consent Order assessing \$2000 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

30. Case No.: L05-FUN-RBS-2005043291

Complainant FH alleges unethical, disrespectful and blatant acts of a competitor from illegal advertisement. Complainant alleges that respondent had a billboard advertisement for his business erected directly on their property. The billboard is leased to an advertising company. Complainant also alleges that the ad said \$995 for funeral package, which violates the law because there was no itemized list of the services included in that price. Complainant also alleges that the ad contains a photograph of respondents' children with him. They allege this also violates the law. Complainant requested the billboard be removed from their property and the ad company complied but complainant alleges that the same ad was erected across the street from their FH.

Respondent states that he has not done anything that is against the law.

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a Formal Hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

31. Case No.: L05-FUN-RBS-2002072521

Complainants feel they were overcharged for their mother's funeral. Complainants' mother died in 1999 and her body was flown from Texas to the respondent for services. Complainants allege that they were overcharged \$277 by respondent. On the bill the respondent lists intra-company expenses \$1,160.63 as part of the charge.

The FH responds that they did not overcharge complainants.

Recommendation: Close w/ no action

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Foster

Adopted by voice vote

32. Case No.: L05-FUN-RBS-2004213091

Complaint was opened because there was an outstanding consent order.
Respondent has now paid consent order.

Recommendation: Dismiss

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

33. Case No.: L05-FUN-RBS-2004191781

Complainant alleges that respondent FD ordered and received calendars from her and has not paid his bill. She states that because she is a woman she feels that the FD deliberately deceived her and has no intention to pay his bill.

FH is no longer in business.

Recommendation: Dismiss

A motion was made by Mr. Foster to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

34. Case No.: L05-FUN-RBS-2005013601

Tennessee Department of Health's Office of Vital Records filed complaint against Respondent funeral home for consistent and ongoing failure to administer death certificates in a timely manner. In 2003, the average time it took FH to file death certificates was 46.6 days after death. From October through December 2004, it took FH an average of 44 days to file death certificates. The Office of Vital Records noted that the average time it takes a FH to administer death certificates is 15 days. (Tennessee law, Tenn. Code Ann. § 68-3-502(a)(1), requires the death certificate to be filed within five days after death.)

FH is no longer in business.

Recommendation: Close w/ no action

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

35. Case No.: L05-FUN-RBS-2004207391

Tennessee Department of Health's Office of Vital Records filed complaint against Respondent funeral home for consistent and ongoing failure to administer death certificates in a timely manner. It came to the attention of the complainant that two death certificates, one for a DOD on 4-12-2004, and the other DOD on 5-28-2004, were not filed in a timely manner. As of 9-14-2004 they had not been filed yet. (Tennessee law, Tenn. Code Ann. § 68-3-502(a)(1), requires the death certificate to be filed within five days after death.)

FH is no longer in business.

Recommendation: Close w/ no action

A motion was made by Mr. Foster to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

36. Case No.: L05-FUN-RBS-2004196791

FH paid consent order with a bad check.

FH is no longer in business.

Recommendation: Close w/ no action

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

STAFF REPORT:

ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

1. Closed Establishments:

There have been three establishments closed since the last board meeting.

Bond Funeral Home – Milan, TN

The office received a facsimile on December 13, 2005, from Herman Bond, the manager, stating the establishment located at 3005 West Jackson Street closed effective December 13, 2005.

J. A. Welton & Son Funeral Home – Shelbyville, TN

The office received a facsimile on December 20, 2005, from Tracie Welton Burnett, the manager, stating the establishment located at 1101 North Main Street closed effective December 15, 2005.

Buena Vista Funeral Home, Inc. – Nashville, TN

The office received a facsimile on January 4, 2006, from John R. Bratten, Jr., the manager, stating the establishment located at 3634 Clarksville Pike closed effective January 1, 2006.

2. Disciplinary Actions:

The Board has approved the Consent Orders and Civil Penalties, and they have been signed and the civil penalties paid by the establishments. The Executive Director requests the Board's acceptance of the following Consent Orders.

Complaint No. 2005025301

Violation: Pricing violations, failure to provide statutorily required crematory disclosures, failure to include all necessary information on the permanent identification device, and failure to include the reason for embalming on the statement of funeral goods and services
Action: \$1250 Civil Penalty

Complaint No. 2005026731

Violation: Failure to timely register as a seller of preneed contracts, failure to list all caskets in the selection room on the price list, and pricing discrepancies
Action: \$1250 Civil Penalty

Complaint No. 2005025401

Violation: Pricing violations and failure to provide statutorily required crematory disclosures
Action: \$750 Civil Penalty

Complaint No. 2005025091

Violation: Pricing violations, failure to provide statutorily required crematory disclosures, and failure to include all necessary information on the permanent identification device
Action: \$750 Civil Penalty

Complaint No. 2005024781

Violation: Pricing violations, failure to timely register as a seller of preneed contracts, and failure to make an embalmer's license available
Action: \$750 Civil Penalty

Complaint No. 2005027661

Violation: Advertising an unlicensed establishment and the individuals in the advertisement were not licensed funeral directors
Action: \$500 Civil Penalty

Complaint No. 2005039321

Violation: Failure to make the establishment license available and pricing violations including failure to list casket in the selection room on the price list
Action: \$500 Civil Penalty

Complaint No. 2005024681

Violation: Failure to file and retain cremation authorization forms and failure to make the establishment license available
Action: \$500 Civil Penalty

Complaint No. 2005025061
Violation: Failure to have a licensed funeral director in charge of establishment
Action: \$500 Civil Penalty

Complaint No. 2005025181
Violation: Pricing violation, failure to provide statutorily required crematory disclosures, and cremation of a dead human body before receiving all statutorily required information
Action: \$500 Civil Penalty

Complaint No. 2005025341
Violation: Failure to correct deficiencies on price lists
Action: \$500 Civil Penalty

Complaint No. 2005025431
Violation: Pricing violations, failure to provide required information on permanent identification device, failure to affix required identification device on dead human body, and failure to make an embalmer's license available
Action: \$500 Civil Penalty

Complaint No. 2005027771
Violation: Failure to provide statutorily required crematory disclosures and failure to place required permanent identification device in urn
Action: \$500 Civil Penalty

Complaint No. 2005028141
Violation: Failure to offer a price list to the family and failure to provide an itemized statement of funeral goods and services
Action: \$250 Civil Penalty

Complaint No. 2005016071
Violation: Unprofessional conduct – several mistakes on the death certificate
Action: \$250 Civil Penalty

Complaint No. 2005028091
Violation: Failure to provide statutorily required crematory disclosures and failure to provide required crematory receipt for dead human body
Action: \$250 Civil Penalty

Complaint No. 2005024931
Violation: Failure to provide statutorily required crematory disclosures and failure to note the date and time the cremains were released
Action: \$250 Civil Penalty

Motion by Mr. Steve Murphy to accept Consent Orders and Civil Penalties.

Seconded by Ms. Vincent

Adopted by voice vote

3. Manager Changes:

There have been six establishments change managers since the last board meeting.

Name of Establishment	Name of New Manager
Manchester Funeral Home, LLC Manchester, TN	Timothy M. Kilgore
Manchester Crematory Manchester, TN	Timothy M. Kilgore
Tullahoma Funeral Home, Inc. Tullahoma, TN	Kenneth Todd Hargrove
Alexander Funeral Home Gallatin, TN	Edward N. Larson
East Lawn Memorial Funeral Home, Inc. Kingsport, TN	Darrell Anthony Harris
Forest Hill FH and Memorial Park – Midtown Memphis, TN	Norma C. Scott

4. Next Board Meeting

The Executive Directors suggests the next meeting be on March 14, 2006. This would assist in reducing the expenses of the Board for this fiscal year.

A motion was made Mr. David Murphy to accept Executive Director's suggestion.

Seconded by Mr. Foster

Adopted by voice vote

OTHER BUSINESS:

Mr. Joe Wayne Goodman of Nashville, Tennessee, addressed the Board concerning an application for Reciprocity from the State of Hawaii. Mr. Goodman wanted the Board to determine if his license in Hawaii would be sufficient to allow him to obtain a license as a funeral director in the State of Tennessee. Wayne Pugh, the staff attorney, suggested that the Legal Department review the information and respond to Mr. Goodman. The Board agreed with Mr. Pugh.

ADJOURN:

A motion was made by Mr. Buckner to adjourn.

Seconded by Mr. Foster

Adopted by voice vote

There being no further business, the meeting was adjourned at 11:11 a.m.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble
Executive Director